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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,095	04/25/2000	Simon Antony James Holdsworth	GB990104US1	9369

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EXAMINER

TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/05/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,095

Applicant(s)

HOLDSWORTH ET AL.

Examiner

Gregory G Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This is a second office action in response to applicant's RCE/amendment filed, 09 April 2003, of application filed, with the above serial number, on 25 April 2000 in which claims 1, 2, 4, and 5 have been amended and claims 3 and 6 have been cancelled. Claims 1-2, 4-5, and 7-8 are therefore pending in the application.

It is noted that applicant states that claim 7 is amended, however, there is no indication of changes to the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by McLaughlin et al (hereinafter "McLaughlin", 6,405,266).

McLaughlin teaches the invention as claimed including a system and method for processing messages between a publisher and a subscriber according to each individual publisher (see abstract).

3. As per Claims 1 and 5, McLaughlin discloses a message data processing apparatus and method, wherein McLaughlin discloses:

means for receiving published messages on a topic from a plurality of publisher applications (at least col. 5, lines 35-50);

means for processing the received messages (at least col. 6, lines 5-29); and

means for distributing the processed messages to a subscriber application (at least col. 6, lines 5-29, 47-65);

wherein the means for receiving includes a plurality of publication point data processing nodes, each of which receives published messages on said topic from a publisher application (at least Fig. 3); and

wherein the broker data processing apparatus performs different processing on published messages according to the publication point on which the published messages are published (at least col. 6, lines 47-65).

McLaughlin discloses a CDA application for process controllers having a subscription list to distribute to subscribers with specific data from each publisher subscribed to.

4. As per Claim 8.

McLaughlin discloses a computer program product stored on a computer readable storage medium for, when run on a computer, instructing the computer to carry out the method steps recited in claim 5 (CDA service) (at least col. 6, lines 15-29).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin in view of Rothfus et al. (hereinafter "Rothfus", 6,044,372).

McLaughlin does not explicitly disclose the apparatus communicates with a subscriber application over the Internet and wherein at least one of the subscriber application and the publisher application runs in conjunction with a World Wide Web browser. However, the use and advantages for using such a network is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Rothfus (at least col. 1, lines 15-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Rothfus' browser and internet into McLaughlin system as this would enhance McLaughlin's system to be compatible over more networks and LAN's and WAN's as McLaughlin's system already operates under (at least col. 2, lines 11-30).

7. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin in view of Hamlin (hereinafter "Hamlin", 6,310,888).

the messages in different formats are published on different publication points (at least col. 6, lines 47-65);

McLaughlin does not disclose the processing associated with each publication point is used to render the messages into a standard format available at a subscription point. However, the use and advantages for using such processing is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of

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Hamlin (at least col. 4, lines 4-26; col. 6, lines 43-67). Hamlin clearly discloses a broker process converting data from each source format corresponding to the address of the source application (at least Hamlin Fig. 3, 8, abstract; col. 1, lines 57-62; col. 2, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Hamlin's broker conversion system onto McLaughlin's publish/subscribe system because this would allow the subscriber to get the data they are subscribing to in a format they can understand and allow different and foreign publishers to have a wider subscriber base depending on subscriber preferences.

Conclusion

8. Schultz et al, Bracho et al, Bamforth et al, Bass et al ('266), Bolam et al, and McLaughlin et al in addition to newly cited art Bass et al ('956), Bhatt et al, and Holland are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone numbers


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for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



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June 2, 2003



ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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